

MINUTES

CASE NUMBER: CR 04-00434ACK
CASE NAME: USA vs. Francis Ogata
ATTYS FOR PLA: Chris Thomas
ATTYS FOR DEFT: Dean Hoe
Mark Nugent (USPO)

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|--------|-------------|-----------|-------------|
| JUDGE: | Alan C. Kay | REPORTER: | Debra Chun |
| DATE: | 5/2/2008 | TIME: | 2:20 - 3:00 |

COURT ACTION: Continued Order to Show Cause Why Supervised Release Should Not Be Revoked -

Defendant Francis Ogata present and in custody.

Defendant had previously admitted to all 3 violations.

Court found that the defendant did violate the conditions of supervised release, and the conditions of supervised release have not been met.

Mr. Hoe informed the Court of options available.

Supervised release is revoked.

Allocution by the defendant.

ADJUDGED:

Imprisonment: That the defendant to remain in custody until May 13, 2008, or 21 Days.

Supervised Release: 24 Months.

CONDITIONS:

- ▶ That the defendant shall abide by the standard conditions of supervision.
- ▶ That the defendant not commit any crimes, federal, state, or local (mandatory condition).
- ▶ That the defendant not possess illegal controlled substances (mandatory condition)
- ▶ That the defendant shall cooperate in the collection of DNA as directed by the probation officer.
- ▶ That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter but no more than 8 valid drug tests per month during the terms of supervision (mandatory condition).
- ▶ That the defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
- ▶ That the defendant shall participate in and comply with substance abuse treatment which includes drug and alcohol testing in a program approved by the Probation Office. The defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment.
- ▶ That the defendant participate in a mental health program at the discretion and direction of the Probation Office.
- ▶ That the defendant shall submit his person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.
- ▶ That the defendant is prohibited from the possession and use of alcohol.
- > That the defendant shall serve up to four (4) months of home detention with electronic monitoring, which may include a Sobriator alcohol detection accessory, as arranged by and at the discretion of the Probation Office. The defendant shall be responsible for the expense of this service. During this time, the defendant shall remain at his place of residence during non working hours and shall not leave his residence without the approval of the Probation Office. The defendant shall wear an electronic monitoring device and follow the electronic monitoring procedures pursuant to the Participant's Agreement and shall earn leave as determined by the Probation Office.

Defendant advised of his right to appeal.

Defendant remanded to the custody of the USM.

Submitted by: Toni Fujinaga, Courtroom Manager.